

# News Release



U.S. Department of Labor  
Office of Public Affairs  
Washington, D.C.  
Release Number: 07-773-NAT

For Immediate Release  
May 23, 2007  
Contact: Dirk Fillpot      Amy Louviere  
Phone: (202) 693-9406      (202) 693-9423

## **U.S. Department of Labor's MSHA sues operator to collect debt** ***Agency also announces settlement to guarantee payment of future fines by another operator***

**ARLINGTON, Va.** – The U.S. Department of Labor's Mine Safety and Health Administration (MSHA) is suing the Little Ty Coal Co. Inc. of Kentucky to compel payment of 309 unpaid civil penalties totaling \$146,432. MSHA also is seeking to recover interest and nonpayment penalties.

"We will use all the tools available to us under the Mine Act to collect civil penalties. We hope this legal action will compel Little Ty Coal Co. Inc. to pay its debt and end its practice of ignoring monetary penalties," said Richard E. Stickler, assistant secretary of labor for mine safety and health.

Little Ty Coal Co. Inc. operates three underground coal mines in Kentucky. The company has failed to pay civil penalties on citations MSHA issued from September 2004 through March 2007.

Since February 2006, MSHA has filed five precedent-setting lawsuits in federal district court seeking injunctions against mine operators who have chronically failed to pay assessed civil money penalties for violations of the Mine Act. The agency's legal action against Little Ty Coal Co. Inc., which was filed in the U.S. Court of Appeals for the Sixth Circuit, is seeking to collect unpaid civil penalties, plus interest.

Little Ty Coal Co. Inc. did not contest any of the 309 proposed penalties, which became final 30 days after the citations were issued. The Mine Act gives MSHA the authority to seek a decree from a federal appeals court to enforce the final civil penalties.

MSHA also announced today that it has reached a legal settlement with a mine operator from Kentucky who had a history of failing to pay civil penalties. The settlement requires Stanley Osborne to post and provide a cash performance bond of \$20,000 to guarantee that future penalties are paid. If any penalties are not paid, the amount of the final penalties will be taken from the bond, which will need to be replenished to its full amount. Anytime Osborne becomes an operator or agent, or becomes the director, officer or agent of an operator, again, the bond requirement will be in effect.

"We believe that this enforcement action and outcome will send a strong signal to all mine operators who refuse to comply with orders to pay civil penalties for violations of the Mine Act. Our agency will aggressively enforce orders to pay civil penalties for safety and health violations, and operators will not be allowed to jeopardize the safety and health of America's miners with impunity," Stickler said.

Once signed by the U.S. District Court Judge, any failure by Osborne to comply with the terms of the consent order may subject him or the corporate defendants to punishment for civil contempt, which could include additional fines, imprisonment or both.

###

U.S. Department of Labor releases are accessible on the Internet at [www.dol.gov](http://www.dol.gov). The information in this news release will be made available in alternate format (large print, Braille, audio tape or disc) from the COAST office upon request. Please specify which news release when placing your request at (202) 693-7828 or TTY (202) 693-7755. The Labor Department is committed to providing America's employers and employees with easy access to understandable information on how to comply with its laws and regulations. For more information, please visit [www.dol.gov/compliance](http://www.dol.gov/compliance).